

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELSEVIER INC., ELSEVIER B.V., ELSEVIER  
LTD.

Plaintiffs,

v.

SCI-HUB d/b/a WWW.SCI-HUB.ORG, THE  
LIBRARY GENESIS PROJECT d/b/a  
LIBGEN.ORG, ALEXANDRA ELBAKYAN,  
JOHN DOES 1-99,

Defendants.

Index No. 15-cv-4282 (RWS)

**PROPOSED ORDER**

On June 3, 2015, Plaintiffs Elsevier Inc., Elsevier B.V., and Elsevier Ltd. (collectively “Elsevier” or “Plaintiffs”) commenced this action with a Complaint seeking damages and injunctive relief against Sci-Hub and its operator Alexandra Elbakyan and (collectively the “Sci-Hub Defendants”) and The Library Genesis Project and its operators (collectively the “LibGen Defendants”). On June 11, 2015, Plaintiffs moved the Court for an Order to Show Cause for a Preliminary Injunction, which this Court granted on June 18, 2015. On July 1, 2015, Plaintiffs filed Affidavits of Service attesting to service on all Defendants.

The Defendants, having been served with the Complaint, Order to Show Cause, and related papers, did not appear or oppose Plaintiffs’ application for a Preliminary Injunction. On October 30, 2015, this Court granted Plaintiffs’ application and entered a Preliminary Injunction against all Defendants.

No Defendant has appeared following the entry of the Preliminary Injunction or answered the Complaint. The time for answering the Complaint has expired.

On May 16, 2017, Plaintiffs moved the Court for an Order to Show Cause for a final Default Judgment and for a Permanent Injunction. Having reviewed the Complaint, Motion for Default Judgement, and all related pleadings, declarations, and other materials submitted to this Court, Plaintiffs have demonstrated that:

1. Defendants have been properly served with the Summons and Complaint;
2. To the best of Elsevier's knowledge, Defendants are not infants, incompetent, or in the military services of the United States;
3. Because Defendants have not filed an Answer or otherwise defended this action, the Clerk of Court entered a default against all Defendants on February 16, 2017;
4. Elsevier is the owner of numerous valid and enforceable federally-registered copyrights in various books and journal articles in the fields of science, medicine, and health, including the works described in Exhibit A (collectively the "Copyrighted Works");
5. Defendants have infringed Elsevier's copyrights in the Copyrighted Works by reproducing and distributing the Copyrighted Works through their websites, which include or have included those listed in Exhibit B; *and*
6. Defendants Alexandra Elbakyan, Sci-Hub, The Library Genesis Project, and Bookfi.org, have each disregarded the Preliminary Injunction in this action by continuing to infringe Elsevier's copyrights in the Copyrighted Works.

**THIS COURT HEREBY FINDS** that Defendants are liable for willful copyright infringement under 17 U.S.C. §§ 101, *et. seq.*, and this Default Judgment and Permanent Injunction ("Permanent Injunction") is entered against each Defendant.

**IT IS HEREBY ORDERED** that:

1. Defendants, their officers, directors, principals, agents, servants, employees, successors and assigns, and all persons and entities acting in active concert or participation with them, are hereby permanently enjoined and restrained from unlawful access to, use, reproduction, and/or distribution of Elsevier's copyrighted works and from assisting, aiding, or abetting any other person or business entity in engaging in unlawful access to, use, reproduction, and/or distribution of Elsevier's copyrighted works.
2. The TLD Registries for the Defendants' websites, or their administrators shall transfer ownership of the domains listed in Exhibit B hereto to Elsevier Inc.
3. Pursuant to 17 U.S.C. § 504(c), Elsevier is awarded statutory damages against the Defendants for copyright infringement in the amount of \$150,000 for each of the 100 infringed copyrights identified in Exhibit A to this Permanent Injunction, for a total of \$15,000,000, which award shall bear interest from the date of this Permanent Injunction at the rate provided by law.
4. Defendants shall destroy all unauthorized copies of Elsevier's copyrighted works that they have in their possession, custody, or control.
5. In the event that Elsevier discovers that any of the Defendants have violated any of the terms of this Permanent Injunction, whether in connection with websites identified in these proceedings, new websites owned or operated by Defendants, or through any other means, Elsevier may move the Court for a supplemental order as may be appropriate to effectuate the purposes of this Permanent Injunction.

6. The bond posted to secure the Preliminary Injunction in this litigation shall be returned.
7. This Court shall retain jurisdiction over the parties and the subject matter of this litigation for the purpose of interpretation and enforcement of this Permanent Injunction.

This is a **FINAL JUDGEMENT**

The Clerk of Court is directed to close this case.

Dated: \_\_\_\_\_, 2017  
New York, New York

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Robert W. Sweet  
U.S.D.J.